

Remarks

Claims 44, 45, 48-52, 55-58, and 63 are pending. Claims 44, 48, and 56 have been amended. No new matter has been added. Applicants assert that all claims are in condition for allowance as set forth more fully below.

Interview Summary

A telephone interview was held with the Examiner on August 25, 2006. During the interview, the Yamamoto reference was discussed regarding location of the wireless device and the vehicle. It was agreed that Yamamoto fails to disclose finding the geographic location of the wireless device and the geographic location of the vehicle and then comparing those two locations when determining whether to enter hands-free mode.

102 Rejections

Claims 44, 45, 48-52, 55-58, and 63 are rejected under 35 USC 102(e) as being anticipated by Yamamoto (US 2002/0142803). Applicants respectfully traverse these rejections to the extent they apply to the currently pending claims.

Independent claims 44, 51, and 56 include recitations not disclosed by Yamamoto. For instance, claim 44 recites comparing the geographical location of the wireless device to the geographical location of the vehicle. Claim 51 recites comparing the geographic location of the wireless telephone to the geographic location of the vehicle. Yamamoto fails to disclose comparing geographical locations of the wireless device and the vehicle. While Yamamoto may disclose that the vehicle does have a GPS system, Yamamoto fails to disclose that a location provided by that GPS system is used when making determinations regarding entering a hands-free mode. Furthermore, Yamamoto fails to disclose any capture or use of geographic location of the mobile device. Yamamoto's determination of signal strength between the mobile device and the vehicle is not a determination and comparison of geographic locations.

Claim 56 recites means for determining a positional relationship between a wireless device and a vehicle by generating position data for the wireless device and generating position data for the vehicle and by comparing the position data for the wireless device to the position data for the vehicle. Yamamoto fails to disclose

generation of such position data of a wireless device and a vehicle and then comparison of the position data of each. Yamamoto's determination of signal strength between the mobile device and the vehicle fails to produce any position data of the phone and position date of the vehicle for comparison but just produces a single value to consider.

Furthermore, relative to claims 52 and 58, to the extent the navigation system of the vehicle is a GPS system, there is still no disclosure that a location of the vehicle as determined by the GPS system is used in a comparison of the location of the mobile communications device when enabling hands free mode. It would be application of hindsight based on a reading of the present application to presume that the vehicle's GPS system of Yamamoto has any relationship to the hands free mode of the mobile device.

Accordingly, claims 44, 45, 48-52, 55-58, and 63 include recitations not disclosed by Yamamoto. Therefore, these claims are allowable over Yamamoto for at least these reasons.

Conclusion

Applicants assert that the application including claims 44, 45, 48-52, 55-58, and 63 is in condition for allowance. Applicants request reconsideration in view of the amendment and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due beyond the fees for a one month extension and a request for continued examination. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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